

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DEANNA FARR

PLAINTIFF

V.

CIVIL ACTION NO.1:16-CV-42-SA-DAS

GSV CARE MEDICAL CLINIC, LLC, and
MANDA S. GRIFFIN

DEFENDANTS

ORDER

Now before the Court is the Defendants' renewed Motion to Set Aside [26] a default and default judgment in this case. The Court previously denied the Defendants' request without prejudice because they failed to provide evidence of their asserted excuse, primarily that they were misled by previous counsel. The Defendants have now cured that lack of evidentiary support by attaching a sworn affidavit from Defendant Griffin detailing the way that her former counsel misled her as to the posture of this case and his efforts to defend it on her and the Clinic's behalf.

The Plaintiff did not file any timely response, but instead filed an out of time Motion to Quash [31]. The Plaintiff's motion does not provide any evidence to rebut the Defendants' excuse.

The Court finds that the Defendants' neglect was excusable, and that they have presented a potentially meritorious defense to the Plaintiff's claims. For these reasons, the Defendants' Motion to Set Aside [26] the Default Judgment is GRANTED. The Default and Default Judgment previously entered in this case are SET ASIDE, and this case is REOPENED. The Plaintiff's Motion to Quash [31] is DENIED. The Defendants have 30 days from the entry of this Order to file an answer or otherwise defend this case.

SO ORDERED on this the 12th day of February, 2018.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE